

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEVENDRA SINGH,	:	
	:	Civ. No. 15-0778 (KM)
Petitioner,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
BRIAN FISCHER, et al.,	:	
	:	
Respondents.	:	
	:	

The petitioner, Devendra Singh, is currently being detained at the Hudson County Correctional Center in Kearny, New Jersey. This Court received Mr. Singh's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 by way of a transfer from the United States District Court for the Southern District of New York. The petition challenges Mr. Singh's current immigration detention and makes a number of other claims.

In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the petition for dismissal and determined that dismissal without an answer and the record is not warranted.

The proper sole respondent in this case, however, is Oscar Aviles, who is the warden of the Hudson County Correctional Center. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004). Thus, the Clerk will be ordered to insert Oscar Aviles as a respondent. The petition will be dismissed with prejudice as to respondents Brian Fischer, Eric H. Holder, Jr. and Jeh Johnson, who are not proper respondents.

Accordingly, IT IS this 12th day of March, 2015,

ORDERED that the Clerk shall insert Oscar Aviles as a respondent in this case; and it is further

ORDERED that the petition is dismissed with prejudice as to respondents Fischer, Holder, and Johnson; and it is further

ORDERED that the Clerk shall serve a copy of the petition (Dkt. No. 1) and this Order upon respondent Aviles by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (Dkt. No. 1) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within thirty (30) days of the date of the entry of this Order, respondent shall file and serve an answer which responds to the allegations and grounds in the petition and which includes all affirmative defenses respondent seeks to invoke; and it is further

ORDERED that respondent shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within thirty (30) days of receipt of the answer, petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of petitioner's release, be it parole or otherwise, respondent shall electronically file a written notice of the same with the Clerk.



KEVIN MCNULTY
United States District Judge